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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,756	03/31/2004	Erhard Hoffmann	2976	7743

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STRIKER, STRIKER & STENBY  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/814,756	<b>Applicant(s)</b> HOFFMANN ET AL.	
	<b>Examiner</b> Michael W. Talbot	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of "purported merits and/or speculative applications of the invention" as described in the second paragraph of the submitted Abstract. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The disclosure is objected to because of the following informalities:

Refer to page 10, lines 3 through 4, the colon " : " within phrase "analogously to Fig. 4:" should be changed to a period " . " so as to read --analogously to Fig. 4.--.

Appropriate correction is required.

### *Claim Objections*

3. Claims 3,4 and 9-13 are objected to because of the following informalities:

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Claim 3 recites the limitation "the device" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purpose, it is best understood that the device being referred to is the "control device".

Claim 4 recites the limitation "the tool" in lines 2 through 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the locking spring" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the locking spring" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the spring means" in lines 2 through 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the spring means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the axial direction" in lines 3 through 4. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, it is not in proper format and is incomplete for omitting essential elements. The phrase "of claim 1" should be replaced with the desired structure.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,2,5-7,11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wezel '457. Wezel '457 shows in Figures 1-3 a power tool comprising a quick-action chuck (1) having an actuating element (4,7) and a control device including at least one means (7c) for controlling at least one locking device (10) to bring about a positive engagement connection. Wezel '457 shows the locking device being rotatable (moving about longitudinal slits 10b out of engagement with teeth 1c) relative to a base body (1a) for bring about positive engagement connection. Wezel '457 shows the actuating element can be operatively uncoupled from the locking device over at least one actuation region (col. 4, lines 54-59). Wezel '457 shows the actuating element is rotatably supported (col. 4, lines 10-18) for chucking the tool (6). Wezel '457 shows the actuating element being supported displaceably in the axial direction (col. 4, lines 10-13 and col. 4, lines 6-17). Wezel '457 shows the spring means (10b) for chucking the tool having an essentially annular shape (Fig. 2).

8. Claims 1,2,4-6,11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Barton et al. '016. Barton et al. '016 shows in Figures 2-4 a power tool comprising a quick-

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action chuck (20) having an actuating element (22) and a control device including at least one means (68,60,66,86) for controlling at least one locking device (80,83) to bring about a positive engagement connection. Barton et al. '016 shows locking device being rotatable (via connection with 86,66,60,68,22) relative to a base body (26) for bring about positive engagement connection. Barton et al. '016 shows that a tool can be chucked indirectly via a spring means (80,83) that is actuatable by the actuating element. Barton et al. '016 shows the actuating element can be operatively uncoupled from the locking device over at least one actuation region (Fig. 3). Barton et al. '016 shows the actuating element is rotatably supported for chucking the tool. Barton et al. '016 shows the spring means (80,83) for chucking the tool having an essentially annular shape (Fig. 1).

9. Claims 1,3,4,6-8,11,13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Huggins et al. '840. Huggins et al. '840 shows in Figures 1-4D a power tool comprising a quick-action chuck (10 having an actuating element (60) and a control device including at least one means (30,106) for controlling at least one locking device (70) to bring about a positive engagement connection. Huggins et al. '840 shows the control device being a locking spring (106). Huggins et al. '840 shows that a tool can be chucked indirectly via a spring means (106) that is actuatable by the actuating element (col. 5, lines 16-35). Huggins et al. '840 shows the actuating element is rotatably supported for chucking the tool. Huggins et al. '840 shows the actuating element being supported displaceably in the axial direction (col. 5, lines 16-35). Huggins et al. '840 shows the base body (20) having at least one slide face (29) on which the locking device is axially displaceable (forward movement is radial and axial to clamp tool). Huggins et al. '840 shows the spring means (106) for chucking the tool having an essentially annular shape (Fig. 1). Huggins et al. '840 shows at least one chucking jaw (70) loaded in the axial direction in at least one operating position via a spring element (106).

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***Allowable Subject Matter***

10. Claims 9,10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



MWT  
Examiner  
23 June 2006



MONICA CARTER  
SUPERVISORY PATENT EXAMINER